

REMARKS

Claims 1-16 are pending and rejected. Applicant respectfully requests reconsideration for the following reasons.

CLAIM REJECTIONS UNDER 35 U.S.C. § 102

Claims 1-5 are rejected under 35 U.S.C. §102(b) as anticipated by Chiba. Applicant respectfully disagrees.

Claims 1-5 recite flavor or fragrance compositions which contain at least one compound of the recited formula.

Chiba does not disclose these compositions. In contrast, Chiba discloses a process for preparing mercapto esters in the context of starting materials for “various industrial chemicals” (Chiba column 1, lines 12-14, emphasis added). There is no disclosure that these compounds could be formulated into compositions. More particularly, there is no disclosure that the compounds could be formulated into flavor or fragrance compositions, which applicant claims. The claims have been amended for clarity.

Hence, applicant respectfully asserts that Chiba does not disclose the claimed flavor or fragrance composition.

CLAIM REJECTIONS UNDER 35 U.S.C. § 103

Claims 6-16 are rejected under 35 U.S.C. §103(a) as obvious over Chiba in view of Ashurst. Applicant respectfully disagrees.

Claims 6-8 depend from claim 1. Applicant respectfully asserts that claims 6-8 are not obvious over Chiba in view of Ashurst. Regarding Chiba, applicant refers to the previous analysis distinguishing the claimed flavor or fragrance composition from the

chemical. Regarding Ashurst, it discloses only that "sulphur containing components have extremely low threshold values"; this combination of references does not establish a *prima facie* case of obviousness. Further, combining Chiba's chemicals with Ashurst's disclosure of mercaptans in general as food flavorings does not result in applicant's claimed composition.

Claims 9-16 recite a method of flavoring or fragrancng a product using the compound of the recited formula. Applicant disagrees and asserts the same reasons as analyzed with the respect to the composition claims, namely, that Chiba's preparation of mercapto esters as starting materials for industrial chemicals does not provide a teaching, suggestion, or motivation to combine this disclosure with Ashurst to result in a method to flavor or fragrance a product by adding the recited compound of formula 1 to the product.

Applicant's claims recite specific mercaptan compounds. As known to one skilled in the art, there are numerous mercaptans that are not suitable for use in methods to flavor or fragrance products; as only one example, mercaptans with an offensive odor. The claims have been amended for clarity.

Hence, applicant respectfully asserts that Chiba in view of Ashurst does not render applicant's composition or method obvious.

Attached hereto is a marked-up version of the changes made to the claims, entitled "Version with Marking to Show Changes Made".

CONCLUSION

For the above reasons, applicant believes the claims are in condition for allowance. Applicant ^{petitions and} has submitted a check for a one-month extension of time. Should

any additional fees or surcharges be deemed necessary, Examiner has authorization to charge fees or credit any overpayment to Deposit Account No. 23-3000.

The Examiner is invited to contact the undersigned attorney if there are any questions or issues.

Respectfully submitted,

WOOD, HERRON & EVANS, L.L.P.

By

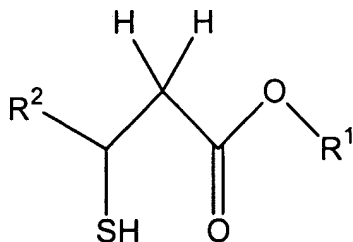
Beverly A. Lyman

Beverly A. Lyman
Reg. No. 41,961

2700 Carew Tower
441 Vine Street
Cincinnati, Ohio 45202
(513) 241-2324
(513) 421-7269 Facsimile

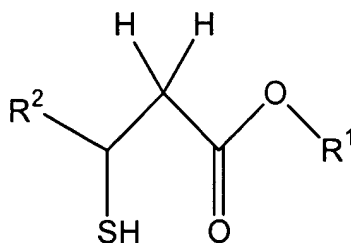
VERSION WITH MARKINGS TO SHOW CHANGES MADE

1.(AMENDED) A flavor or fragrance composition comprising at least one compound of formula I



or a precursor thereof, wherein R¹ represents a branched or unbranched alkyl, alkenyl or alkadienyl group containing 1 to 8 carbon atoms and R² represents a methyl or ethyl group, in a flavor or fragrance composition.

9.(AMENDED) A method of adding a flavor or fragrance to a product wherein at least one compound of formula 1



or a precursor thereof, wherein R¹ represents a branched or unbranched alkyl, alkenyl or alkadienyl group containing 1 to 8 carbon atoms and R² represents a methyl or an ethyl group, is added to the product for flavoring or fragrancng the product.